

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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| JAMES DICKERSON | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| DeSIMONE, INC., et al. | : | NO. 09-1551 |

ORDER

AND NOW, this 1st day of October, 2009, upon consideration of plaintiff's Motion for Reconsideration of Order of Dismissal (Docket No. 17), and the defendants' opposition thereto, IT IS HEREBY ORDERED that said motion is DENIED.

The purpose of a motion for reconsideration is "to correct manifest errors of law or fact or to present newly discovered evidence." Harsco Corp. v. Zlotnicki, 779 F.2d 906, 909 (3d Cir. 1985). The plaintiff points to no intervening law, demonstrates no manifest error of law or fact and submits no new evidence on any of the three counts that would cause the Court to reconsider its dismissal of the case. See NL Indus., Inc. v. Commercial Union Ins., 65 F.3d 314, 324 n.8 (3d Cir. 1995).

The plaintiff requests leave to submit a curative amended complaint to assert the facts concerning his malicious prosecution and abuse of process claims with greater particularity. The Court found that the original Complaint contained no facts that would suggest that the defendants used any sort of "falsehood to deprive the police or prosecutors of

the intelligent use of their discretion in arresting or prosecuting the plaintiff." MTD Order at 14. In this motion to reconsider, the plaintiff now alleges that "the Defendants lied to the police and the Court of Common Pleas" in order to avoid properly depreciating the value of the truck for resale by characterizing the state of the vehicle as stolen rather than used. Pl's Mot. to Reconsider at 5. There is nothing in these re-articulated facts that indicates that the rims were not fairly considered stolen at the time of arrest by the defendants, the police, or the prosecutors. Nor do any of the other arguments of the plaintiff have merit.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.